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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,796	08/23/2000	Andrew Robin Searle	938 26 005	2838

7590

10/06/2003

Koppel & Jacobs  
555 St Charles Drive Suite 107  
Thousand Oaks, CA 91360

EXAMINER
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GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/582,796

Applicant(s)

SEARLE ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 62-67, 123-128, 130-134, 136 and 137 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 62-67, 123-128, 130-134, 136 and 137 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claim 131 is objected to because of the following informalities: In claim 131, line 4, "mechanism" should read --means--. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 62-67, 123, 128, 130-134, 136 and 137 are rejected under 35 U.S.C. 102(e) as being anticipated by Cassidy et al.

Cassidy et al teaches a security system including a microcontroller in figure 1 for a lockable container for bank notes which includes a spoiling means, the system monitors the container between first and second locations (docking stations) as well as its transit on a delivery vehicle. As disclosed throughout the specification, the system of Cassidy is capable of being programmed to provide any well known communications/validate identities...etc., including a temperature sensor 68 such that any attempt to tamper with

the container may activate the dye dispenser. It is further noted that the container, ATM, transportation means and second security system are not being positively claimed. All limitations thereto are regarded as intended use, and are of no patentable significance. Further, it is submitted that the security system of fig. 1 of Cassidy is clearly capable of "communicating" with any other security system. Accordingly, the system of Cassidy possesses the same capability which is claimed in claim 62, line 2 and claim 124, line 2, for example. It is further noted that "that either one...protecting the container" in claim 123, lines 8-10 and claim 137, lines 8-9 is regarded as a structurally unsupported functional limitation of no patentable significance, as well as being a broad functional limitation.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 124-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassidy et al in view of Boutroy.

Boutroy teaches locking and monitoring a container within a transit vehicle as disclosed on page 14, lines 1-10. To modify the system of Cassidy to include a locking feature within the delivery vehicle, would have been obvious in view of the teaching of Boutroy, to optimize the security of the system.

Applicant's arguments filed July 10, 2003 have been fully considered but they are not persuasive. In response to applicant's remarks, the examiner repeats the "It is

further noted" statements outlined above in the rejection of claims 62-67...etc. herein. It is further submitted that applicant's remarks are not clear as to what specific limitations or positively claimed structure of claim 62, for example, is not taught by the Cassidy reference. As disclosed for example in the Abstract of Cassidy, the container includes a microcontroller which monitors the integrity of the container during transit. It is not clear why the container and security system of Cassidy does not teach the claimed capability of applicants claims.

Applicant should note that the crossed-out documents on form PTO-1449 are not regarded as prior art references.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should also note that the Tillim et al (408) reference of record also discloses a security system for monitoring a cash container with elements 66, 68 in figure 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

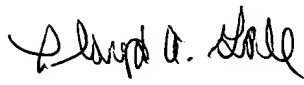
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

LG LG  
October 1, 2003

  
Lloyd A. Gall  
Primary Examiner